

# Order

Michigan Supreme Court  
Lansing, Michigan

October 18, 2006

Clifford W. Taylor,  
Chief Justice

130839

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 130839  
COA: 267316  
Muskegon CC: 03-048412-FH

DAVID LEROY GONZALES, JR.,  
Defendant-Appellant.

---

On order of the Court, the application for leave to appeal the February 7, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Muskegon Circuit Court for a factual determination of whether the prosecutor's office served defense counsel with written notice of fourth habitual offender sentence enhancement within 21 days of the date that defendant waived his circuit court arraignment.

We retain jurisdiction.



t1011

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 18, 2006

*Corbin R. Davis*

Clerk